

40 KAR 2:076. Complaint procedure for telephone solicitations.

RELATES TO: KRS 367.170, 367.46955, 367.46971, 367.46973, 367.46981, 367.46995

STATUTORY AUTHORITY: KRS 15.180, 367.46983

NECESSITY, FUNCTION, AND CONFORMITY: KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations required to enforce KRS 367.46951 to 367.46999 governing the sales of goods and services to Kentucky consumers by use of telephone solicitations. KRS 367.46951(2)(c) excludes from the definition of "telephone solicitation" a telephone call to a person who has a prior or existing business relationship with the telemarketer or merchant. KRS 367.46955 establishes prohibited telephone solicitation acts or practices. KRS 367.46995 requires that a claim or action alleging a violation of KRS 367.46955 be in writing and verified by the claimant. This administrative regulation establishes the procedure for filing a complaint (prior to a claim or action) and lists the factors used to determine if a prior or existing business relationship exists.

Section 1. A complaint relating to a violation of KRS 367.46955 shall be filed with the division in the following manner:

- (1) An oral complaint made either by telephone or in person giving a statement of facts;
- (2) A written complaint giving a statement of the facts;
- (3) A written complaint filed on "Telemarketing Complaint Form"; or
- (4) A complaint filed electronically using the Internet Telemarketing Complaint Form on the Kentucky Attorney General's web site.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Telemarketing Complaint Form", Form TS-9, November 2002; and
 - (b) "Internet Telemarketing Complaint Form", TS-10, November 2002.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, 1024 Capital Center Drive, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 1265; Am. 1584; eff. 1-19-99; 29 Ky.R. 492; 1286; 1520; eff. 12-18-02.)